

**REMARKS**

By this Amendment, claim 21 is amended and new claims 41-43 are added. After entry of this Amendment, claims 21-23, 25, 27, 30-38 and 41-43 will be pending. Claims 21-23, 25, 27 and 30 have been rejected as unpatentable under 35 U.S.C. § 112, second paragraph, as being indefinite, and claims 21-23, 25, 27 and 30-38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of five references. Reconsideration of the application is respectfully requested in view of the foregoing amendment and following remarks.

**Applied Art**

U.S. Patent No. 6,008,803 to Rowe et al. ("Rowe") is entitled "System for Displaying Programming Information."

U.S. Patent No. 5,731,844 to Marshall et al. ("Marshall") is entitled "Video Clip Programming Guide."

U.S. Patent No. 5,731,844 to Rauch et al. ("Rauch") is entitled "Television Scheduling System for Displaying a Grid Representing Scheduled Layout and Selecting a Programming Parameter for Display or Recording."

U.S. Patent No. 6,239,794 to Bennington et al. ("Bennington") is entitled "Electronic Television Program Guide Schedule System and Method."

U.S. Patent No. 5,619,249 to Billock et al. ("Billock") is entitled "Telecasting Service for Providing Video Programs on Demand with an Interactive Interface for Facilitating Viewer Selection of Video Programs."

**35 U.S.C. § 112 Rejections**

The Office action rejects claims 21-23, 25, 27 and 30 under 35 U.S.C. § 112, second paragraph, as being indefinite because "the identities of a plurality of available programs" at line 10 of claim 21 lacks sufficient antecedent basis.

Applicant has amended claim 21 to recite "an identity for each of a plurality of available programs" to provide sufficient antecedent basis. This amendment to claim 21 does not narrow its literal scope.

Applicants request the withdrawal of the rejection.

**35 U.S.C. § 103 Rejections**

The Office action rejects claims 21-23, 25, 27, and 30-38 under 35 U.S.C. § 103(a) as unpatentable over various combinations of Rowe, Marshall, Rauch, Billock and Bennington.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142.)

The Office action rejects claims 21-23, 25, 27 and 30-38<sup>1</sup> under 35 U.S.C. § 103(a) as being unpatentable over Rowe in view of Marshall. Claims 21-23, 25, 27, 30-34 and 36-38 are rejected under 35 U.S.C. § 103(a) over Rauch in view of Billock and further in view of Marshall. Claim 35 is rejected under 35 U.S.C. § 103(a) over Rauch in view of Billock and Marshall, and further in view of Bennington. These rejections are respectfully traversed.

***Patentability of Claims 21-23, 25, 27, and 30-38 over Rowe in view of Marshall under § 103(a)******Claim 21***

Independent claim 21 is a method claim directed to an interactive televideo system and recites an act of, "displaying the most closely related kind of summary information available for the selected programming," where the displayed information is chosen from one or more kinds of information ranging in relatedness to the selected programming.

For instance, as described in the specification at page 12, line 21 – page 13, line 10:

Preferably, the digitized video segment relates to the specific episode of the selected programming. If an episode-specific segment is not available, the digitized video segment preferably relates to any program series of which the selected programming is a part. If a series-specific segment is not available, the digitized video segment preferably relates to the channel carrying or broadcasting the selected programming.

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<sup>1</sup> Paragraph 5 of the Office action states that the rejected claims are "21-23, 25, 27, 30-36," but then includes assertions regarding claims 37 and 38. Accordingly, Applicants have responded considering claims 37 and 38 to have also been rejected under Rowe in view of Marshall.

The described system thus “[displays] summary information chosen from one or more kinds of summary information ranging in relatedness to the selected programming with a preference for displaying the most closely related kind of summary information available,” as recited in claim 21. Rowe and Marshall, whether considered alone or in combination, fail to show or suggest at least the claimed act of displaying.

The Office action asserts that the act of displaying is taught by Rowe at col. 14, lines 20-42 along with Figures 1, 8, and 10. This is incorrect. Rowe shows a program summary panel that has the ability to display broadcast video data for a current program (col. 14, line 23), preview media information including “on-demand” video clips and still images (col. 14, line 24-25), and to provide audio to supplement these forms of imagery (col. 14, line 27-29). Rowe decides what to display on the program summary panel for a specific program based on when the program is broadcast and based on the preview information media type; which is not based on how closely related the information is to the program as claimed.

For example, lines 34-42 of col. 14 state that the actual broadcast is displayed for programs being currently broadcast. For past or future programs, “on-demand” clips are shown. If clips are not available, still images are displayed instead. The flow chart of Fig. 10, and col. 18, lines 25-46 describing Fig. 10, reiterate Rowe’s method of determining what preview information to display. Decision 132 determines if the program is currently being broadcast. If so, block 134 is processed to display the currently broadcast program. If the program is not currently being broadcast, preview information is retrieved at block 136. Decision 138 determines if a “Tiger” video is available. If so, block 140 is processed to cue and display it. If not, process block 142 displays still images.

Rowe does not describe or suggest that the specific type of preview information, i.e., a video clip or a still image, is chosen with a preference toward displaying the most related information available. Rather, the Rowe method uses a preference based on media type, that is, a video clip is always preferred to a still image. So, even if the still image relates specifically to the next episode whereas the video clip relates to the selected programming more generally (e.g., a trailer for the overall series), the Rowe method would display the general trailer and not the still image specific to the upcoming episode.

Thus, Rowe would not lead one of skill in the art to “displaying the most closely related kind of summary information available for the selected programming” as recited in claim 21. Since the cited

references, whether considered alone or in combination, fail to show or suggest at least one feature of claim 21, the rejection is improper and should be withdrawn.

Claims 22, 23, 25, 27, and 30 depend from claim 21, and thus are allowable for at least the same reasons, as well as for the respective additional features recited therein.

*Claim 31*

Independent claim 31 is directed to an interactive televideo system and recites that "the retrieved programming summary information is the most closely related kind of summary information available for the selected programming," where the retrieved information is chosen from one or more kinds of information ranging in relatedness to the selected programming. This feature is similar to the displayed summary information described above with respect to claim 21.

Claim 31 recites *retrieving* the most closely related kind of summary information, rather than *displaying* the most closely related kind of summary information as recited in claim 21. For similar reasons as discussed above with respect to claim 21, Rowe and Marshall, whether considered alone or in combination, do not show or suggest retrieving summary information related to a program by determining which kind of information is most closely related to the program.

Since the cited references, whether considered alone or in combination, fail to show or suggest at least one feature of claim 31, the rejection is improper and should be withdrawn. Claims 32-36 depend from claim 31, and thus are allowable for at least the same reasons, as well as for the respective additional features recited therein.

*Claim 37*

Independent claim 37 is directed to an interactive televideo system and recites an act of "displaying at the individual user station the most closely related kind of summary information available for the selected programming simultaneously with the program guide," where the displayed information is chosen from one or more kinds of information ranging in relatedness to the selected programming.

This feature is similar to that described above with respect to claim 21. As previously asserted with respect to claim 21, none of the references cited by the Examiner, nor any combination of those

references, show displaying summary information associated with a program by determining which information is the most closely related kind of summary information available.

Since the cited references, whether considered alone or in combination, fail to show or suggest at least one feature of claim 37, the rejection is improper and should be withdrawn. Claim 38 depends from claim 37, and thus is allowable for at least the same reasons, as well as the additional feature recited therein.

***Patentability of Claims 21-23, 25, 27, 30-34, and 36-38 over Rauch in view of Billock and further in view of Marshall under § 103(a)***

***Claim 21***

As stated, claim 21 is a method claim that recites an act of, "displaying the most closely related kind of summary information available for the selected programming," where the displayed information is chosen from one or more kinds of information ranging in relatedness to the selected programming.

For instance, as described in the specification at page 12, line 21 – page 13, line 10:

Preferably, the digitized video segment relates to the specific episode of the selected programming. If an episode-specific segment is not available, the digitized video segment preferably relates to any program series of which the selected programming is a part. If a series-specific segment is not available, the digitized video segment preferably relates to the channel carrying or broadcasting the selected programming.

Rauch, Billock, and Marshall, whether considered alone or in combination, fail to show or suggest at least the claimed act of displaying.

Rauch shows displaying a "video representation of the program" or "the program being broadcast." See col. 2 line 26 and col.3 line 18-19, respectively. Rauch also shows displaying "a bitmap representing the selected program or the network logo or a network provided video clip." See col. 7, lines 49-51. However, Rauch does not teach or suggest "displaying the most closely related kind of summary information available for the selected programming."

Billock provides a selection actuator to allow the user to select a program for viewing along with the help of a still image relating to the program, and provides a preview mode and an information mode. See col. 10, lines 54-67. The preview mode preferably allows the viewer to view a 30-second video segment, while the information mode provides the textual description of the program. Billock,

however, does not show or suggest "displaying the most closely related kind of summary information available for the selected programming."

The Office action asserts that the act of displaying is taught by Marshall at col. 3, lines 49-67 along with Figures 2. This is also incorrect.

As the Office action states:

Marshall discloses when user selects a program to preview, if a preview for program exist, load video preview. If not, display description page 47 in which only the written description available with respect to the program is displayed (see figure 2 and col. 3 lines 49-67).

Office action at page 11, lines 1-4.

Thus, Marshall discloses a system similar to Rowe wherein the display of information is decided by type, not relatedness to the selected programming. Similar to Rowe, Marshall never teaches or suggests determining which summary information to display based on how related the summary information is to the programming, and therefore, would not lead one of skill in the art to "displaying the most closely related kind of summary information available for the selected programming."

Since the cited references, whether considered alone or in combination, fail to show or suggest at least one feature of claim 21, the rejection is improper and should be withdrawn. Claims 22, 23, 25, 27, and 30 depend from claim 21, and thus are allowable for at least the same reasons, as well as for the respective additional features recited therein.

### *Claim 31*

As stated, claim 31 is directed to an interactive televideo system and recites that "the retrieved programming summary information is the most closely related kind of summary information available for the selected programming," where the retrieved information is chosen from one or more kinds of information ranging in relatedness to the selected programming. This feature is similar to the displayed summary information described above with respect to claim 21.

Claim 31 recites *retrieving* the most closely related kind of summary information, rather than *displaying* the most closely related kind of summary information as recited in claim 21. For similar reasons as discussed with respect to claim 21, Rauch, Billock and Marshall, whether considered alone or in combination, do not show or suggest retrieving summary information related to a program by determining which kind of information is the most closely related to the program.

Since the cited references, whether considered alone or in combination, fail to show or suggest at least one feature of claim 31, the rejection is improper and should be withdrawn. Claims 32-36 depend from claim 31, and thus are allowable for at least the same reasons, as well as for the respective additional features recited therein.

*Claim 37*

As stated, claim 37 is directed to an interactive televideo system and recites an act of "displaying at the individual user station the most closely related kind of summary information available for the selected programming simultaneously with the program guide," where the displayed information is chosen from one or more kinds of information ranging in relatedness to the selected programming.

This feature is similar to that described with respect to claim 21. As previously asserted with respect to claim 21, none of the references cited by the Examiner, nor any combination of those references, show displaying summary information associated with a program by determining which information is the most closely related kind of summary information.

Since the cited references, whether considered alone or in combination, fail to show or suggest at least one feature of claim 37, the rejection is improper and should be withdrawn. Claim 38 depends from claim 37, and thus is allowable for at least the same reasons, as well as the additional feature recited therein.

***Patentability of Claim 35 over Rauch in view of Billock and Marshall  
and further in view of Bennington under § 103(a)***

*Claim 35*

Claim 35 depends from independent claim 31, which is a method claim directed to an interactive televideo system and recites an act of, "displaying the most closely related kind of summary information available for the selected programming," where the displayed information is chosen from one or more kinds of information ranging in relatedness to the selected programming.

Rauch, Billock, Marshall and Bennington, whether considered alone or in combination, fail to show or suggest at least the claimed act of displaying. Rauch, Billock, and Marshall have been addressed above in connection with other rejections.

Bennington is directed to an Electronic Television Program Guide Schedule System. Bennington describes a system that allows a user to view a selected programming choice while at the same time viewing programming information describing other programming options. However, Applicants cannot find any teaching or suggestion in Bennington that would lead one of skill in the art to, "displaying the most closely related kind of summary information available for the selected programming."

Additionally, none of the four references describe a motivation to modify the references to teach or suggest the claimed act of displaying.

Therefore, the cited references, whether considered alone or in combination, fail to show or suggest at least one feature of claim 31. Since claim 35 is dependant on claim 31, claim 35 recites the identical feature and therefore the rejection is improper and should be withdrawn.

#### **New Claims 41-43**

New claims 41-43 are added herein and are supported by the specification. For instance, page 12, line 22 - page 13, line 10 and page 13, line 21 - page 14, line 1 describe generally the subject matter of new claims 41-43. No new matter is added.

Claims 41-43 specifically describe situations where among a number of different programming options, the kinds of most related programming summary information are different. For example, the most related programming summary information may be episode-specific information, or series specific information (if no episode-specific information is available), or channel-specific information (if no episode-specific or series-specific information is available).



**CONCLUSION**

The pending claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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